



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-47984-2024

Date of decision: 14.10.2024

Rohan Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.139 dated 26.07.2024 under Sections 109, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

2. On the last date of hearing, while noticing the following submissions made by learned counsel for the petitioner, this Court had issued notice of motion:-

“Learned counsel inter alia contends that a perusal of the FIR, annexed as Annexure P-1, reveals that neither has the petitioner been named therein nor any suspicion raised qua his involvement in the crime in question; rather he came to be nominated as an accused after two days of the occurrence in question and that too, on the basis of a supplementary statement made by an alleged eye-witness, who stated that the petitioner was part of the unlawful assembly, which attacked the father of the complainant and inflicted a single gunshot on his abdomen.”



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3. Upon being put to notice, learned State counsel has filed reply by way of affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

4. Learned State counsel, while drawing the attention of this Court to the averments made in the affidavit, has submitted that all the accused, including the petitioner, came to the scene of crime in two cars and thereafter without any provocation fired shots upon injured Darbar Singh. It has been submitted that no doubt only a single gun shot injury was sustained on the abdomen by injured Darbar Singh, however, all the accused, including the petitioner, had fired several shots upon him and it was sheer providence that the injured escaped with only a single gun shot wound. It has been further submitted by the learned State counsel on instructions that although the petitioner's name surfaced only in the disclosure statement, however, there was enough documentary evidence including a video of the crime in question wherein all the accused, including the petitioner, were clearly visible and actively involved in firing upon the injured; the factum of the injured having been fired at multiple times finds corroboration from recovery of empties from the spot. It has also been submitted that it was a premediated attack carried out by all the accused, including the petitioner, and it was the petitioner, who had borrowed one of the vehicles from Mohjeet Singh and gone to the place of occurrence where he then also fired upon the injured. Learned State counsel has still



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further submitted that the petitioner has previously also been involved in one criminal case. A prayer has, therefore, been made by the learned State counsel for dismissal of the instant petition.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which reads as under:-

“Statement of Karampal Singh @ Lakha S/o Darbar Singh Rio Gali No 1 Kirat Nagar Near Malout Road Sri Muktsar Sahib aged 34 years Ph No. 98882-88414 stated that I am resident of above-mentioned address and working in a private company at Bangalore. My father has retired from police department as an Inspector 3 years ago We had purchased 30 Kanals of land at village Shivpur Kukriana. I am registered owner of the same and mutation has also been sanctioned in my name regarding this land Navjot Kaur wife of unknown resident of Harindra Nagar Faridkot got conducted the demarcation and informed us that about 1½ Kanal land comes to their share. That my father many a times through panchayat and by calling her to police station told her that possession of our entire land should be given and thereafter boundary (Wat) be laid but they did not agree for the same. That today my father Darbar Singh had gone to take a round of our fields on car bearing no PB 30 W 9092 where my father Darbar Singh was standing in our fields then some unknown persons attacked my father. That my father received a gun shot which was fired with an intention to kill him. Then after this incidence my father called me while going on car and told me that he has received a gun shot and I should take him along as he is coming on car When I reached near charcoal factory near Lambi Dhab village I found my father sitting in the car and his car was parked I parked my motorcycle and met my father who had received a gun shot in his stomach and blood was oozing out. Then I took my father to Civil Hospital, Sri Muktsar Sahib. On the way my father disclosed me that Nishan Singh s/o unknown resident of Harindra Nagar Faridkot and his uncle Dimpri Samra Sto Unknown, Gurmail Singh Contractor S/o Unknown and his son Rajdeep Singh have attacked him with an intention to kill him. Thereafter he lost his conscious and thereafter I got my father admitted to Civil Hospital After giving first aid he was referred to GGS



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Medical College and Hospital. Then I took my father to Bansal Nursing Home KK Road Shri Muktsar Sahib where he is under treatment and he is being operated upon. Motive behind the occurrence is that our dispute regarding land is going with Navjot Kaur and Nishan Singh is giving threats to kill our family. Action be taken as per law against all of them. Statement has been read over and same is correct SD/- Karampal Singh Attested Daljit Kaur Again Attested ASI Rashpal Singh P.S. Sadar Shri Muktsar Sahib.”

7. Prima facie, it does come across a premeditated attack carried out by all the accused including the petitioner upon the injured, on account of some previous dispute between them. There are serious allegations against the petitioner of having fired gun shots towards the injured. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No